IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

Ins.APP.No. 53 of 2003()

IC.61/2002 OF EMPLOYEES INSURANCE COURT, PALAKKAD

APPELLANT/OPPOSITE PARTY:

THE REGIONAL DIRECTOR,
E.S.I. CORPORATION, PANCHADEEP BHAVAN,
NORTH SWARAJ ROUND, THRISSUR.

BY ADV. SRI.P.SANKARANKUTTY NAIR

RESPONDENTS: APPELICANT:

VAIGAI THREAD PROCESSORS LTD.,
REPRESENTED BY ITS WORKS MANAGER,
V.J. PAUL.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.P.BENNY THOMAS

THIS INSURANCE APPEAL HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

Ins.A. NO. 53 OF 2003

Dated this the 13th day of March, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is against the judgment in I.C.No.61 of 2002, on the file of the Employees' Insurance Court, Palakkad. The issue essentially pertains to the claim for damages under Section 85B against the transferee of the former M/s.Madura Coats Ltd. The impugned Ext.A5 order before the Employees' Insurance Court was passed as early as on 9.8.2002. The payment of wages as far as the transferor and transferee are concerned, is seen covered by a settlement arrived at between the parties dated 15.6.1996. It is also seen that the payments as per the settlement were also got postponed during the pendency of several litigations between the parties before the High Court and the Supreme Court. The Employees' Insurance Court hence rightly found that the claim for damages against the transferee cannot be brought under the purview of Section 93A.

There is no substantial question of law warranting interference. The appeal is hence dismissed.

(KURIAN JOSEPH)
Judge

(K.T.SANKARAN)
Judge

ahz/

KURIAN JOSEPH&
K.T.SANKARAN, JJ.

I.A.NO. 53 OF 2003

JUDGMENT

13th March, 2007